

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

E.K.D. et al., individually and on behalf of all others similarly situated, ) Case No.: 12-CV-01216-LHK  
)  
Plaintiffs, ) ORDER RE: MOTION TO DISMISS  
)  
v. ) (dkt #s: 12, 15)  
)  
FACEBOOK, INC., )  
)  
Defendant. )

The above-captioned case, which has been pending since June 1, 2011, was transferred from the Southern District of Illinois to this District on March 8, 2012. This case was reassigned to the undersigned judge on March 21, 2012. The Complaint and Motion to Dismiss, which has been pending since August 1, 2011, in many respects present the same issues that this Court previously addressed in its Order Granting in Part and Denying in Part Defendant’s Motion to Dismiss in *Fraley v. Facebook*, No. 11-cv-01726-LHK, ECF No. 74.<sup>1</sup> The Court strongly encourages the parties to consider the following two options: (1) Defendant withdraw its pending motion to dismiss and motion for judicial notice in support of its motion to dismiss, the parties stipulate to granting the Plaintiffs leave to amend the Complaint, and Defendant may then re-file a motion to

<sup>1</sup> The Court also directs the parties to this Court’s orders on motions to dismiss in *Low v. LinkedIn Corp.*, No. 11-cv-01468-LHK, ECF No. 28, and *In re iPhone Application Litigation*, No. 11-md-02250-LHK, ECF No. 8.

1 dismiss if it so chooses; or (2) Defendant withdraw its pending motion to dismiss and motion for  
2 judicial notice in support of its motion to dismiss, and the parties re-brief the motion to dismiss in  
3 light of this Court's order in *Fraley*. If the parties stipulate to one of the two options, they shall  
4 notify the Court by 7:00 p.m. on Tuesday, March 27, 2012. If the parties cannot stipulate to one of  
5 the two options, the Court will hold a telephonic case management conference on Wednesday,  
6 March 28, 2012, at noon. The Court apologizes for the short notice.

7 **IT IS SO ORDERED.**

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9 Dated: March 26, 2012

10   
11 LUCY H. KOH  
12 United States District Judge  
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